

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Eva Seria,

Plaintiff,

- against -

Commonwealth Financial Systems, Inc.,

Defendant.
-----X

11CV7594 (Gao)
11 Civ. 0759 (GBD)

CLERK'S CERTIFICATE

I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on October 26, 2011, with the filing of a summons and complaint, and a copy of the summons and complaint was served on defendant on January 20, 2012 by serving Kevin Vohnoutka, clerk authorized to accept service on behalf of Corporation Service Company, registered agent for the defendant, and such service thereof was filed on February 1, 2012. I further certify that the docket entries indicate that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendant is hereby noted.

Dated: New York, New York

Feb 17, 2012

RUBY J. KRAJICK
Clerk of Court

By: *h*
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

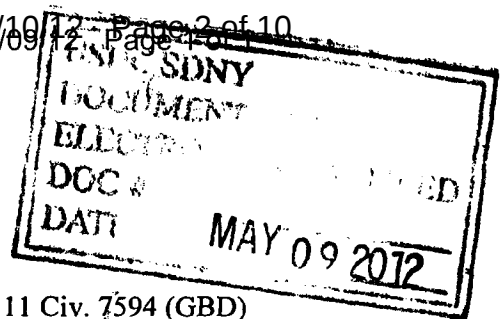
-----x
Eva Seria,

Plaintiff,

- against -

Commonwealth Financial Systems, Inc.

Defendant.
-----x



11 Civ. 7594 (GBD)

DEFAULT JUDGMENT

This action having been commenced on October 26, 2011 by the filing of the summons and complaint, and a copy of the summons and complaint having been personally served on the Defendant, Commonwealth Financial Systems, Inc., on January 20, 2012 by the process server's personal service on Kevin Vohnoutka, clerk authorized to accept services on behalf of Corporation Service Company, registered agent for the Defendant Commonwealth Systems, Inc., and a proof of service having been filed on February 1, 2012 and the Defendant not having answered the complaint, and the time for answering the complaint having expired, it is

ORDERED, ADJUDGED AND DECREED: That the Plaintiff have judgment against the Defendant in actual damage amount of two thousand dollars (\$2,000.00); statutory damages of one thousand dollars (\$1,000.00) plus attorneys' fees, costs and disbursements of this action in the amount of six thousand and ninety-four dollars (\$6,094.00) amounting in all to nine thousand and ninety-four dollars (\$9,094.00).

Dated: New York, New York

May 8, 2012

MAY 09 2012

George B. Donnel
U.S.D.J.

This document was entered on the docket
on _____.

EXHIBIT "A"

JUDGE DANIELS

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

11 CIV 7594

Eva Seria,

Plaintiff

v.

Commonwealth Financial Systems, Inc.,

Defendant

ECF Case - CBD

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Commonwealth Financial Systems, Inc.
 245 Main St.
 Dickson City, Pennsylvania 18519

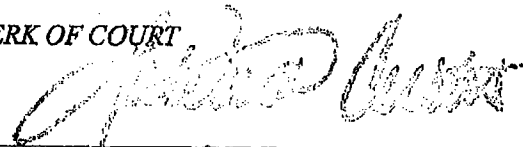
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: **FREDRICK SCHULMAN & ASSOCIATES**
 30 East 29th Street
 New York, New York 10016

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK

CLERK OF COURT



Signature of Clerk or Deputy Clerk

OCT 26 2011

Date: _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE DANIELS

11 CIV 7594

Eva Seria,

Plaintiff,

-against-

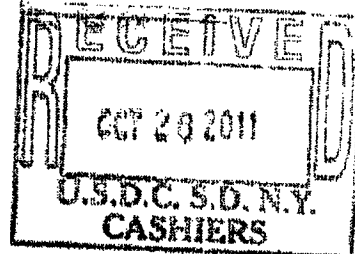
Commonwealth Financial Systems, Inc.

Defendant.

Civil Action No.:

ECF Case - GBD

COMPLAINT AND DEMAND
FOR TRIAL BY JURY



Plaintiff Eva Seria ("Plaintiff" or "Seria"), by and through her attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for her Complaint against the Defendant Commonwealth Financial Systems, Inc. ("Defendant" or "CFS"), respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of sec. 1692 et. seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of New York, County of Rockland, residing at 20 Regina Rd., Monsey, New York 10952.

3. Defendant is a collection firm with a principal place of business at 245 Main St., Dickson City, Pennsylvania 18519, and, upon information and belief, is authorized to do business in the State of New York.
4. Defendant is a "debt collector" as the phrase is defined and used in the FDCPA.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 USC Sec. 1331, as well as 15 USC Sec. 1692 et. seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 U.S.C. Sec. 1367(a).
6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.
8. Upon information and belief, on a date better known to Defendant, Defendant began collection activities on an alleged consumer debt from the Plaintiff ("Alleged Debt").
9. On or about August 11, 2011, Defendant sent a letter in which the balance due was listed as \$13,261.83.
10. Defendant failed to include the required "30-day validation notice" stating the Plaintiff's right to dispute the debt within thirty (30) days.
11. Said failure on the part of defendant is a violation of the FDCPA, 15 U.S.C. § 1692g(a)(3).

12. As a result of Defendant's deceptive, misleading and unfair debt collection practices, Plaintiff has been damaged.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

13. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "12" herein with the same force and effect as if the same were set forth at length herein.
14. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 USC §1692g(a)(3).
15. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

16. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this complaint to which Plaintiff is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Eva Seria, on her behalf, demands judgment against the Defendant Commonwealth Financial Systems, Inc., as follows:

- A. For actual damages provided and pursuant to 15 USC Sec. 1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC Sec. 1692k(a)(2)(A);
- C. For attorneys' fees and costs provided and pursuant to 15 USC Sec. 1692k(a)(3);

- D. A declaration that the Defendant's practices violated the FDCPA; and,
- E. For any such other and further relief, as well as further costs, expenses and disbursement of this action, as this Court may deem just and proper.

Dated: New York, New York
October 26, 2011

Respectfully submitted,

By: 

Samuel A. Ehrenfeld

FREDRICK SCHULMAN & ASSOCIATES

Attorneys at Law

Attorneys for Plaintiff

30 East 29th Street

New York, New York 10016

(212) 796-6053

EXHIBIT “B”

Form 27 - GENERAL PURPOSE

SAMUEL A EHRENFELD ESQ SAMUEL A EHRENFELD ESQ
U S DISTRICT COURT SOUTHERN DISTRICT STATE OF NEW YORK

EVA SERIA

PLAINTIFF

index No. 11 CIV 7594
Date Filed

- VS -

COMMONWEALTH FINANCIAL SYSTEMS, INC.

DEFENDANT

Office No.
Court Date.

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

STEVE AVERY being duly sworn, deposes and says; I am over 18 years of age, not a party to this action, and reside in the State of New York. That on the 20TH day of JANUARY, 2012 11:15AM at

C/O CORPORATION SERVICE COMPANY, 80 STATE ST. (REG. AGENT)
ALBANY NY 12207

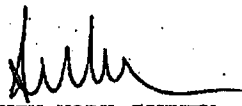
I served a true copy of the SUMMONS AND COMPLAINT, JUDGES RULES, upon COMMONWEALTH FINANCIAL SYSTEMS, INC. the DEFENDANT therein named by delivering to, and leaving personally with KEVIN VORHOUTKA, CLERK AUTHORIZED TO ACCEPT a true copy of each thereof.

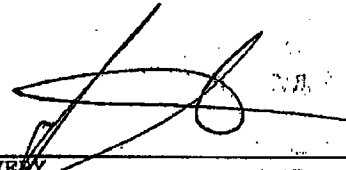
Deponent describes the person served as aforesaid to the best of deponent's ability at the time and circumstances of the service as follows.

SEX: MALE COLOR: WHITE HAIR: BROWN
APP. AGE: 35 APP. HT: 5/1 APP. WT: 180
OTHER IDENTIFYING FEATURES

COMMENTS:

Sworn to before me this
25TH day of JANUARY, 2012


SAMSON NEWMAN
Notary Public, NEW YORK COUNTY
01NE4783767
Qualified in NEW YORK COUNTY
Commission Expires 11/03/2013


STEVE AVERY
AETNA JUDICIAL SERVICE INC
225 BROADWAY, SUITE 1802
NEW YORK, NY, 10007
Reference No: 3-SAE-180535